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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: J. Whan-Tong et al. Attorney Docket No: PREC115319  
Application No: 09/711,740 Group Art Unit: 3764  
Filed: November 13, 2000 Examiner: S. Crow  
Title: CROSSTRaining EXERCISE DEVICE

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT  
(U.S. Patent No. 5,685,804)**

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Precor Incorporated, a Delaware corporation, having a principal place of business at 20031 142nd Avenue NE, Woodinville, WA 98072-4002 U.S.A., represents that it is the owner of the entire right, title, and interest in the above-identified patent application by a chain of title from the inventors of the above-identified patent application to the current assignee as shown below:

1. From: Paul D. Barker, Peter Pasero, Janine Whan-Tong  
To: Precor Incorporated

The document was recorded in the U.S. Patent and Trademark Office at Reel/Frame Nos. 9173/0115, 9174/0167, and 9174/0060, respectively.

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

No. 5,685,804, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors, or assigns.

The owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of prior U.S. Patent No. 5,685,804 in the event that said prior U.S. Patent No. 5,685,804 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Our Check No. 143843 in the sum of \$110.00 for the terminal disclaimer fee under 37 C.F.R. § 1.20 is included. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.18 which may be required during the entire procedure of the application, or credit any overpayment, to Deposit Account No. 03-1740. This authorization also hereby includes a request for any extensions of time of the appropriate length required upon the filing of any reply during the entire prosecution of this application. A copy of this sheet is enclosed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PRECOR INCORPORATED

12/4/02  
Date

Jerald E. Nagae  
Name: Jerald E. Nagae  
Title: Attorney of Record

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT  
(U.S. Patent No. 6,146,313)**

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Precor Incorporated further represents that it is the owner of the entire right, title, and interest in U.S. Patent No. 6,146,313 by the same chain of title, the above-identified patent application being a continuation of U.S. Patent No. 6,146,313, filed under 37 C.F.R. § 1.53(b).

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,146,313, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,146,313, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors, or assigns.

The owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened

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LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

by any terminal disclaimer of prior U.S. Patent No. 6,146,313 in the event that said prior U.S. Patent No. 6,146,313 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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